IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4885 OF 2005

Satish Manohar Sahare. ... Applicant.
Versus.
The State of Maharashtra. ... Respondent.

Ms.Anjali Patil for the Applicant.

Ms.M.H.Mhatre, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 10th August, 2005.

P.C.:

1. Heard the learned Counsel for the Applicant and the learned A.P.P. for the State.

2. Offence alleged against the Applicant is under section 376 and 420 of the Indian Penal Code. The F.I.R. filed by the prosecutrix itself indicates that on the date of filing of the F.I.R. her age was more than 18 years. The case of the prosecutrix is that from 11th December 2004 she was meeting the Applicant and in fact the Applicant promised to marry her. Her case is that the Applicant represented to her that the Applicant was not keeping good relationship with his wife. The allegation is that the Applicant committed sexual intercourse with the prosecutrix in February and March 2005 and the said fact was disclosed by the prosecutrix to her mother for the first time on 2nd May 2005. The F.I.R. itself refers to the photographs of the

prosecutrix taken with the Applicant and the love letters which were exchanged. The F.I.R. is filed on 5th May 2005.

3. Considering the age of the prosecutrix and considering the delay in filing the F.I.R., there is some substance in the submission of the Advocate for the Applicant regarding consent on the part of the prosecutrix. The investigation is complete and charge sheet has been filed. In view of what is stated by the prosecutrix in the F.I.R., in my view, a case is made out for enlarging the Applicant on bail. To ensure that the Applicant does not create trouble for the prosecutrix and the prosecution witnesses, the Applicant will have to report to the concerned Police Station once in a week.

4. Hence the following order is passed:

(i) The Applicant shall be enlarged on bail in connection with C.R.No.105 of 2005 of Nehru Nagar Police Station, subject to furnishing a personal bond of Rs.15,000/- with one or two local sureties in the like amount.

(ii) The bail is granted subject to condition that the Applicant will attend the

concerned Police Station on every Sunday between 10.00 a.m. to 12.00 noon till completion of trial.

(Viii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(vi) The Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

(v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vi) Application is disposed of in above terms.

Judge.